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REMARKS

The present Response and amendment is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Applicants assert that the present invention is new, non-obvious and useful. Favorable reconsideration and allowance of the application is respectfully requested.

Status of Claims

Claims 1-8, 10-19 and 21-30 are pending in the application. Claims 1-8, 10-19 and 21-30 have been rejected. Claims 1, 11, 19, 26 and 29 have been amended.

Claim 10 has been cancelled. In making this cancellation without prejudice, Applicants reserve all rights in these claim to file divisional and/or continuation patent applications.

Applicants respectfully assert that the amendments to the claims add no new matter.

CLAIM REJECTIONS

35 U.S.C. § 103(a) Rejection Based on Kaufman in view of Goldman

In the Office Action, the Examiner rejected claims 1, 3-8, 10, 11, 26 and 28 under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent 5,003,591 to Kaufman et al. ("Kaufman"), in view of U.S. Pat. 6,615,405 to Goldman et al. ("Goldman").

Applicants respectfully traverse the rejection of claims 1, 3-8, 10, 11, 26 and 28 under 35 U.S.C. § 103(a) as being unpatentable over Kaufman in view of Goldman.

Applicants' independent claim 1, as amended, includes inter alia, "wherein verifying comprises checking at least one of a register and a bit accessible by the at least two functions to check if the firmware has been downloaded by another function". Applicants assert that none of Kaufman or Goldman alone or in combination teach or suggest, a method of

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“checking at least one of a register and a bit accessible by the at least two functions to check if the firmware has been downloaded by another function” as is required in the Applicants’ independent claim 1, as amended. Applicants’ independent claim 26, as amended, includes inter alia, “wherein verifying comprises checking at least one of a register and a bit accessible by the at least two functions to check if the firmware has been downloaded by another function”. Applicants assert that none of Kaufman or Goldman alone or in combination teach or suggest, a method of “checking at least one of a register and a bit accessible by the at least two functions to check if the firmware has been downloaded by another function” as is required in the Applicants’ independent claim 26, as amended.

Applicants respectfully submit that none of Kaufman or Goldman teach checking at least one of a register and a bit. In fact neither Kaufman nor Goldman teaches any "register". The Examiner asserts that Goldman teaches values calculated presumably in a register. Applicants respectfully disagree with the Examiner's argument. Goldman does not disclose the use of a register to calculate values. In addition, how Goldman might calculate values is irrelevant to alleged anticipation of Applicant's claims. Goldman does not disclose, and the Examiner does not assert that Goldman discloses, checking a register to see if firmware has been downloaded, as required by Applicants’ independent claims 1 and 26.

An obviousness rejection requires a teaching or a suggestion by the relied upon prior art of all the elements of a claim (M.P.E.P. §2142). Since none of Kaufman or Goldman alone or in combination, teach or suggest all the elements of Applicants’ independent claims 1 and 26 as amended, neither of Kaufman or Goldman alone or in combination, renders independent claims 1 and 26, as amended, obvious.

As discussed, claims 1 and 26, as amended are allowable over Kaufman in view of Goldman. Each of dependent claims 3-8, 11 and 28 depend directly or indirectly from one of amended independent claims 1 and 26, and therefore include all the limitations of independent claims 1 and 26, as amended. Therefore, dependent claims 3-8, 11 and 28 are allowable.

Applicants' claim 10 is cancelled. The rejection of claim 10 is therefore moot.

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Thus Applicants respectfully request that the rejection of claims 1, 3-8, 10, 11, 26 and 28 under 35 U.S.C. § 103(a), as being unpatentable over Kaufman in view of Goldman, be withdrawn.

35 U.S.C. § 103(a) Rejection Based on Kaufman in view of Goldman and Lisle

In the Office Action, the Examiner rejected claims 2, 19, 21-25, 27 and 29-30 under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent 5,003,591 to Kaufman et al. ("Kaufman"), in view of U.S. Pat. 6,615,405 to Goldman et al. ("Goldman") and in further view of U.S. Pat. 5,539,896 to Lisle et al. ("Lisle").

Applicants respectfully traverse the rejection of claims 2, 19, 21-25, 27 and 29-30 under 35 U.S.C. § 103(a) as being unpatentable over Kaufman in view of Goldman and Lisle.

Applicants' independent claim 19, as amended, includes inter alia, "wherein the processor is to check at least one of a register and a bit accessible by the at least two functions to check if the firmware has been downloaded by another function". Applicants assert that none of Kaufman, Goldman or Lisle alone or in combination teach or suggest, a processor to check at least one of a register and a bit accessible by the at least two functions to check if the firmware has been downloaded by another function as is required in the Applicants' independent claim 19, as amended. Applicants' independent claim 29, as amended, includes inter alia, "wherein reducing a risk comprises checking at least one of a register and a bit accessible by the at least two functions to check if the firmware has been downloaded by another function". Applicants assert that none of Kaufman, Goldman or Lisle alone or in combination teach or suggest, a method of "checking at least one of a register and a bit accessible by the at least two functions to check if the firmware has been downloaded by another function" as is required in the Applicants' independent claim 29, as amended.

An obviousness rejection requires a teaching or a suggestion by the relied upon prior art of all the elements of a claim (M.P.E.P. §2142). Since none of Kaufman, Goldman or Lisle alone or in combination, teach or suggest all the elements of Applicants' independent claims 19 and 29 as amended, none of Kaufman, Goldman or Lisle alone or in combination, renders independent claims 19 and 29, as amended, obvious.

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As discussed, claims 19 and 29, as amended are allowable over Kaufman in view of Goldman and in further view of Lisle. Each of dependent claims 21-25 and 30 depend directly or indirectly from amended independent claims 19 and 29, and therefore include all the limitations of independent claims 19 and 29, as amended. Therefore, dependent claims 21-25 and 30 are allowable.

As discussed, claims 1 and 26, as amended are allowable over Kaufman in view of Goldman. Lisle does not cure the deficiencies of Kaufman or Goldman. Each of dependent claims 2 and 27 depend directly or indirectly from amended independent claims 1 and 26, and therefore include all the limitations of independent claims 1 and 26, as amended. Therefore, dependent claims 2 and 27 are allowable.

Thus Applicants respectfully request that the rejection of claims 2, 19, 21-25, 27 and 29-30 under 35 U.S.C. § 103(a), as being unpatentable over Kaufman in view of Goldman and in further view of Lisle, be withdrawn.

35 U.S.C. § 103(a) Rejection Based on Kaufman in view of Goldman and Falik

In the Office Action, the Examiner rejected claims 12-18 under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent 5,003,591 to Kaufman et al. ("Kaufman"), in view of U.S. Pat. 6,615,405 to Goldman et al. ("Goldman") and in further view of U.S. Pat. Application Publication 2002/0166061 to Falik et al. ("Falik").

Applicants respectfully traverse the rejection of claims 12-18 under 35 U.S.C. § 103(a) as being unpatentable over Kaufman in view of Goldman and in further view of Falik.

Claims 12-18 are dependent from amended independent claim 1, and include all the features of amended independent claim 1 as well as additional distinguishing features. As discussed above, amended independent claim 1 is allowable over Kaufman in view of Goldman. Falik does not cure the deficiencies of Kaufman or Goldman. Falik does not disclose checking at least one of a register and a bit accessible by said at least two functions if the firmware has been downloaded by another function as is required in Applicants'

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independent claim 1, as amended. Therefore, it is respectfully submitted that dependent claims 12-18 are likewise allowable.

In view of the above, applicants respectfully request that the rejection of claims 12-18 under 35 USC §103(a) as being unpatentable over Kaufman in view of Goldman and in further view of Falik be withdrawn.

Conclusion

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Response and Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

No fees are believed to be due associated with this paper. If any such fees are due, please charge such fees to deposit account No. 50-3355.

Respectfully submitted,

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